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AUTHOR	Wagner, Mary; Wagner, Marsden G.
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ABSTRACT

Denmark's child advocacy system is made up of local kommune (county; Child and Youth Welfare Committees which watch over the well-being of children. Each child and youth committee serves as an effective advocate for the children of its community in three areas: promotion, protection, and prevention. The committee's responsibility to promote conditions for sound child development includes determination of number of child care institutions and kindergartens needed and assessment of the quality of existing institutions. State funding is granted on the committee's recommendations. In community matters such as town planning, housing, traffic, and entertainment the committee also has much influence as they consider what provisions have been made for children. To protect the child, the committee can also serve as an advocate for the child in his own home. The committee has the authority to co-opt any specialist they deem necessary in the consideration of a case; however, the final decision rests solely with the committee itself. In recent years, the committee has put great emphasis on preventive measures through a family guidance program. Fundamental to this advocacy program is an attitude concerning society and the child: the child is everyone's responsibility. Furthermore, any citizen with a particular interest in children is expected to volunteer for service on a Child and Youth Welfare Committee. (CS)

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Child Advocacy in Denmark
70 Years of Experience with this "New" Idea

Mary G. Wagner, Ph. D.
Marsden G. Wagner, M.D., M.S.P.H.

Denmark's child advocacy system has evolved empirically over many decades. Since the turn of the century each kommune (equivalent to a U.S. county) has had a special local committee, now designated Child and Youth Welfare Committee, which watches over the well-being of the children in their community. The responsibilities, powers and checks and balances of these committees have gradually modified over time, based on their experience, through changes in the law; the last major revision occurring in 1964. (See English translation of this law in the appendix). The present extent of their powers and responsibilities is, as will be seen, extraordinary and demands careful scrutiny of how these responsibilities are carried out and how the power is managed. It is equally important to subsequently review the underlying premises behind this system if one is to consider the adoption of this or any similar form of child advocacy.

The backbone, if not the entire skeleton, of the child advocacy system is the local (kommune) Child and Youth Committee. Every four years each kommune elects a "council" (equivalent to the City Council or County Board of supervisors). One of these elected officials who has a special interest in children becomes the Chairman of the Child and Youth Committee. Then two (or three) more council members volunteer for the Committee and are joined by two (or three) more Committee members chosen by the council from local citizens to form a Committee of five (or seven) members. There are several important features of this Committee to note: a majority (three of five or four of seven) are elected council members; all are "lay" people with interest but no special training for this work (perhaps a member is a school teacher but, if so, was not selected for this reason); there must be both men and women on the Committee; there is no pay for this work (except expenses) and all are volunteering their time; the Committee may likely be reconstituted every four years.

The population served by the Committee varies widely. There are two hundred and fifty kommunes in Denmark ranging from small rural areas of ten thousand people to Copenhagen kommune with over a million inhabitants. Although the same principles of operation hold everywhere, the mechanisms differ and it is important to note that

Copenhagen, with its heavy population density (it is similar in most respects to any of the large urban areas in the United States) has a mechanism quite different from the rest of Denmark (see later). Each Child and Youth Committee is served by a staff of full-time employees. The Committee meets perhaps only two or three times a month for a few hours and it is the staff which carries out the ongoing responsibilities under the direction of the Committee. The staff will include, if possible, social workers (if social workers are not available, then "family helpers" will be used - see subsequent report on family guidance in Denmark) and secretarial assistance and the size of the staff is dependent on the size of the kommune. The staff is hired and fired by the kommune "council".

The Child and Youth Committee serves as an effective advocate for the children of its community in three ways: promotion, protection, and prevention. Although overlapping, these three ways remain separate and extremely important responsibilities and will be reviewed separately.

The Committee's first responsibility, to advocate for the promotion of children, is perhaps best summarized by the first sentence in the Children and Young Persons Act of 1964; "the purpose of the Child and Youth Welfare Services shall be to ensure that children and youth grow up under conditions promoting a sound mental and physical development". Thus the Committee shall attend, in a general "community as a whole" sense, to the conditions in which children live. The first way the Committee pursues the advocacy of conditions promoting sound child development is through seeing that there are a sufficient variety of institutions (i.e. group care facilities, both part-time and residential) for children including day care, recreational centers, kindergartens, foster homes, etc. and furthermore to maintain surveillance of the quality of these institutions. In carrying out this responsibility, the Committee will work with many other individuals and agencies in the community but the Committee co-ordinates all these activities and, most importantly, holds the power of control over these institutions. Only this Committee can apply to the State (in this report State refers to the federal or central government in Denmark) for funds for a new children's institution in that community and since a large percent

of the funds (90% for day care centers for example) for a new institution comes from the State, the Committee obviously holds the purse strings. Since existing children's institutions are also heavily supported by the State (33% for day care) for ongoing operating costs and since the Committee must approve their continuing operational quality before reimbursement, the Committee's authority and power to promote quality institutions for children in their community is clearly established. The State takes responsibility for establishing standards for all such institutions, including physical plant, qualifications of workers, etc., and anyone in the community, be it parent, professional person, voluntary organizations or whomever, who feels the standards are not being met, who feels new institutions are required, or who feels that the general conditions in which children live while at the institutions is not optimal, has the "duty" to report this to the Committee. The Committee will then likely ask their staff to review the situation and report back. If, after reviewing this report, the Committee should conclude that there is a need for a new institution or modification of an old one, they will prepare a detailed report documenting the need and submit it to the kommune "council". This council is the final local authority but the fact that two or three members of the council sit on the Child and Youth Committee ensures a close working relationship between these two groups. Children's institutions may be owned and operated by private individuals, by private companies or by voluntary organizations, but in all cases the local Committee maintains the authority previously described. If institutions are needed and the need is not otherwise met, then the Child and Youth Committee can ask the council itself to establish and operate the necessary institutions.

The only way in which Copenhagen kommune differs from the rest of Denmark with regard to the promotion of the child's group care environment is that here there is a full-time staff whose only responsibility is to advocate optimal institutional care. This staff is extremely active, not only in surveillance of the more traditional care programs, but in promoting new types of group care.

Thus, for example, in the field of day care alone they have tried over many years: industrially located day care versus neighbourhood day care, large centralized day care versus small decentralized day care, group day care versus family day care, horizontal grouping in day care versus vertical grouping in day care. (All of this to be reviewed in detail in a subsequent report on day care). This staff reports directly to the Copenhagen "council" rather than to one of the twenty-four neighbourhood Child and Youth Committees (see later) since they operate city wide.

The Child and Youth Committee's responsibility to promote proper conditions for the children growing up in their community extends beyond the conditions in group care or institutions to the community at large. Thus in matters relating to town-planning, housing, traffic, entertainment, etc. the Committee can carry a big stick. Do we have enough parks?, does the newly planned apartment complex provide ample and safe facilities for children?, shall we spend money on a new road or a new day care center? Such matters come before the kommune council and since two or three members are also on the Child and Youth Committee, these members can immediately ask their Child and Youth Committee staff to investigate these matters so they may serve as informed advocates of the child on the council. As voting members of the council this mechanism ensures power to the child and his interests. Evidence of the effectiveness of this mechanism is seen in the fact that a child psychologist and a pediatrician are regular consultants to the housing commission in Copenhagen and every new apartment complex has its own children's center (see subsequent reports).

The second way in which the Child and Youth Committee serves as an advocate for the child is through their protection of the individual child in their community who is now, or is in potential danger of, living in conditions not conducive to sound development. We have seen the authority the Committee has in the community at large but now we will see the way the Committee can serve as an advocate for the child in his own home. It is the "duty" of every citizen in the

community, be he parent, neighbour, family doctor, school teacher, public health nurse, policeman, etc. to report to the Committee any child or any family with children whom they may suspect may have "bad conditions" or who is showing behaviour which might indicate "bad conditions". The law lists, in general, the conditions under which the Child and Youth Committee may take action as follows:

1) "The child has no one to provide for him" - death, desertion, etc.
2) "The breadwinner is otherwise permanently incapable of providing for the child" - illness, retardation, etc.
3) "The breadwinner is temporarily unable to provide for the child" - divorce, imprisonment, mental illness, etc.
4) "The child is not properly brought up" - home environment lacking in material or educational aspects, parental lack of interest, child abuse, etc.
5) "The child has difficulty adjusting to his daily environment, his school or community".
6) "The child does not live under satisfactory conditions" - financial conditions bad, disorderly life of parents, etc. (See section 27 of the law).

The Committee staff then investigates the conditions thoroughly and has the authority to call upon the advice or assistance of any experts necessary such as psychologists, physicians, and lawyers for the completion of the investigation. Two exceedingly important points concerning this investigation are made clear in the law: the staff shall work closely with the family during the evaluation and make every attempt to solve the problem, if one exists, within the context of the family (the Danish authorities point out that this is possible in most cases); the needs of the child are the <u>first</u> consideration and preempt the wishes or preferences of the parents if a conflict of interests exists. At the completion of the investigation the staff makes a decision concerning disposition of the case: there may be no problem; the problem may be an acute one which can be solved through temporary aid to the family; the case can be referred to the family

guidance program (see later) for management; the solution is uncertain or there is a disagreement between the staff and the family concerning the solution or the problem suggests consideration be given for removal of the child from his home, temporarily or for longer periods, with or without the consent of the parents. In all of these latter circumstances the case will be referred by the staff to the Child and Youth Committee at its next meeting. The Child and Youth Committee will then hear the case. The Committee has the authority to co-opt any specialist they deem necessary in the consideration of the case. The State has fourteen regional advisors who will assist the Committee in the general organization of their work as well as in the handling of individual cases and this advisor may be asked to be present. In addition, if a case concerns removal of a child from his home against the wishes of the parents, a judge and a psychologist appointed by the State must be co-opted to the Committee. The most important point, however, is that these specialists have no right to vote and the final decision in any case, even involving removal of the child from home against parental wishes, rests solely with the Committee itself.

The American reader may be somewhat confused at this point since the kind of authority just described, which the Child and Youth Committee has, is invested in the courts in the United States. Where are the juvenile courts in Denmark? The answer is simple, there are none. Any child under fifteen in Denmark cannot commit a crime (even if he kills someone), he can only make a mistake. Further, it is assumed that if he makes a mistake, it is most likely the result of bad environmental conditions. Consequently, mistaken behaviour on the part of a child is not reported to the police but is reported to the Child and Youth Committee as a "symptom" of possible bad conditions for the child which need to be investigated. In emergency situations the Chairman of the Child and Youth Committee has the authority to act temporarily on his own (for instance, to take a young teen-ager who has made a serious mistake from his home and place him in a foster home) pending the review of the case at the next Child and Youth Committee meeting.

Another example of a "symptom" suggesting bad conditions for the child is a child who is not receiving recommended medical, psychological, educational or social care. Thus, for example, a physician may report to the Child and Youth Committee that a parent is refusing or failing to give recommended medication to an epileptic child. The Committee and its staff will then investigate the situation and make every attempt to resolve the problem within the family. If this is not possible, however, the Committee has the authority to make whatever arrangements are necessary to ensure proper medication, whether it is placement in a foster home, medication given at school by a visiting nurse, etc.

We have seen how the Committee protects the interests of the child in his home. The Committee similarly protects the interests of a child if he is in a substitute home. No parent may place his children under fourteen years in another home to live, even if it is a relative's or a friend's home, for more than a month unless he has the written permission of the local Child and Youth Committee. It is the Committee's responsibility to investigate this home of placement and ensure it as a good environment for the child. While one might assume that many informal arrangements might be made among relatives and friends without the knowledge of the local Committee, this is unlikely since every citizen in Denmark has a "person number" assigned at birth and any time a change of address on a child under fourteen years occurrs, it is reported to the local kommune for tax purposes and also then reported to the Child and Youth Committee. Likewise the school must report changes in address of children under fourteen to the Child and Youth Committee.

Similarly, previous permission from the Child and Youth Commission is required before any private party can receive more than two children into day care for remuneration. This permission is granted only following an investigation of the conditions in the potential private day care home (to be reviewed in the subsequent day care report).

In addition to serving as the advoate of the child in his own home and in privately arranged substitute homes, the local Child and

Youth Committee is responsible not only for the placement of any child who goes to a publicly arranged foster home (with or without parental permission) but also for the continuing surveillance of the child and of the foster home. Foster home placement in Denmark will be the subject of a separate subsequent report.

In the Kommune of Copenhagen the same principles apply as outlined above for the protection of the child but the mechanisms differ. Copenhagen is divided into twenty-four districts, each with approximately forty thousand people and five hundred and fifty to six hundred families with children. Each district has its own Child and Youth Committee of five persons, although, as will be seen, there is considerable overlap of Committee personnell. Every four years, following the municipal election, four lay citizens are selected from each district to serve as volunteer "field workers for children" in their district. They are chosen by the political parties in a ratio equal to the percent of vote each party received. Thus if party A received 50% of the votes, they would choose two of the four workers from each district. There are no qualifications for this work and no pay for it and the people who wish this work volunteer to their political party. There is also a substitute for each field worker and there is no shortage of volunteers. Two of the four workers in each district must be women. Whenever a new case in a district is referred to the Child and Youth Offices in Copenhagen, it is given to one of the full-time staff workers in the Child and Youth Office in Copenhagen (each full-time staff worker covers two districts and is a fully qualified social worker with a clerical staff of six to eight persons). In those cases in which the possibility of removal of a child from the home, with or without parental consent, arises, the staff person calls in one of the four field workers for that district. The field worker reviews any case material and then always makes a home visit. The field worker must then write a report which includes recommendations for the child. The staff person also writes an independent report and recommendations and it is imperative that the staff person not influence the field worker's impressions.

This field worker, together with a second field worker from the same district but of the opposite sex then become the first two members of the Child and Youth Committee which will meet on this case.

After the municipal elections the political parties also select four "members at large", two women and two men, for the Child and Youth Committees who represent all of Copenhagen, not just one district. These "members at large" must be well educated and trained and knowledgeable in child care but are also volunteers and receive no pay. Two of these "members at large" (one woman and one man) are assigned to half of the districts and become the third and fourth members of every Child and Youth Committee meeting in these twelve districts. The fifth member of the Child and Youth Committee is the Director of Child and Youth Affairs for Copenhagen or his Assistant Director. Each of these two people take half of the districts (they trade halves every year) and to hold this full-time, salaried position, they must be a qualified lawyer specializing in child law and also fulfill all qualifications for a judge. It is a civil-service appointment but must be approved by the Mayor. The Director, or assistant, is the Chairman of the Child and Youth Committee each time it meets and he is responsible for seeing that the law is met in all cases. The staff person gives his report to the Director before the case is considered and all five people meeting on a case are expected to be familiar with the case. There is a Child and Youth Committee meeting for each district every two weeks. In order to accomplish this, there is a meeting twice a week (approximately four hours in length) of the Director, two members at large, and district field workers rotating in and out of the meeting depending on the case under consideration. At each of these meetings cases from three districts will be reviewed. These Child and Youth Committees consider only individual children needing protection and do not concern themselves with promotion (see above) or prevention (see below).

The third way in which the Child and Youth Committee serves as an advocate for the child is through the provision of and supervision of preventive services for the child and his family. Through these means the Committee hopes to remedy the conditions surrounding a child before protective services become necessary. According to the law, there are six ways in which the Committee can provide supportive measures to the child and his family:

1) "To give directions or orders for the care, upbringing, education, training or employment of the child or young person".
2) "To appoint a supervising guardian".
3) "To have the child or young person examined and treated by a physician or psychologist".
4) "To make grants toward expenses directly involved by the directions or orders given".
5) "To make grants for the expenses of domestic help in the event of parental illness or to meet temporary difficulties in order to obviate the need of removing the child from the home".
6) "To arrange for the child or young person to be accomodated and maintained apart from his parents".

Except for the last measure, all of these are meant to be preventive and, particularly in recent years, great emphasis has been put on these preventive measures through the family guidance program. This family guidance program, which is the responsibility of the Child and Youth Committee, is extraordinary in many respects and unlike any traditional guidance program in the United States and will be the subject of a subsequent separate report.

The Kommune Child and Youth Committee clearly has enormous responsibility and considerable power. Are there any checks and balances in this system? There are several. First are the rights of the parents. The parents can request to attend the Child and Youth Committee meeting (in fact they are nearly always invited) if there is any disagreement concerning the recommendations.

If the parents do not agree with the decision of the local Child and Youth Committee with regard to their child (this would, in most cases, mean they do not want their child removed from their home) they can appeal the decision to a National Council of Child and Youth Services. This Council consists of five persons: a chairman who shall satisfy the general conditions governing appointment as a High Court Judge; the Director of Child and Youth Services at the State level; a member appointed by the Minister of Family Affairs (equivalent to the U.S. Department of Health Education and Welfare) who will be a child psychiatrist; and two members appointed by the Folketing (equivalent to Congress) who will be experts in the child care field. This Council has a staff of lawyers who are called in to review cases before they are considered. The Council meets only as needed and its only responsibility is to consider local Child and Youth Committee cases which have been appealed by the family. If this Council upholds the decision of the local Child and Youth Committee (and apparently they usually do) they then make every attempt to help the family accept the decision. If, however, the family still objects to the decision (and we are told that this is very rare), they have the right to appeal the case to the Danish Supreme Court. This, then, would be the first time the case would have come into contact with the judicial system in Denmark.

In addition to the parental rights to appeal the decisions of the local Child and Youth Committee, any local citizen has not only the right but the "duty" to contact the proper authorities if, in his opinion, the local Committee is not properly carring out its responsibilities. If the individual feels that the strict letter of the law has not been followed or that inappropriate procedures have been used, a complaint may be filed with the local administrative court. This, however, is extremely unusual since nearly all disagreements have to do, not with the letter of the law or procedures, but with interpretation of the law or judgement and this local court has no jurisdiction in these matters. If, on the other hand, a local

citizen feels the Committee is misinterpreting the meaning behind the law or is using bad judgement, he reports this to the Department of Child and Youth Affairs of the State (i.e. federal) Government. This Department has the job of interpreting all the laws with regard to children and youth to the local Committee and assisting the local Committee in carrying out their duties. This Department will report the complaint to the local Child and Youth Committee in question and ask them to prepare a report on the matter. The Department then studies this report and may itself go to the community to further investigate the situation. The Department then sends a full report and recommendations to the Ministry of Family Affairs. The Ministry staff then reviews the report and makes a final decision with regard to the recommendations. The Ministry then sends a long letter to the individual initiating the complaint and a copy to the local Child and Youth Committee reviewing the entire situation and everybody's recommendations and the Ministry's final recommendations.

There is, then, a system for review of local Committee functioning with regard to protective responsibilities but it depends on informal, local surveillance and initiative. There is no routine system for looking over the shoulder of the local Committee and the local Committee is not required to send reports to the State on any routine basis.

With regard to its promotive responsibilities, the local Child and Youth Committee also must inter-act with the State. As described earlier, any request for new facilities for children must first be approved by the local Child and Youth Committee and then by the local kommune council. From here, however, the request must be forwarded to the State Department of Child and Youth Affairs for approval. Since a large percent of funds for such facilities comes from the State, this approval by the State has been essential. This procedure of approvals is time consuming, however, and takes as much as two years. For this reason, consideration is being given at the present time to eleminating the necessity of State approval. While this would

speed up the development of child care facilities, some authorities feel it would have serious disadvantages in decreasing the interaction between the State and the local Committee. Such interaction has, it is felt, been very beneficial to the local Committee in giving them support and encouragement in their work and providing them with informal guide lines to supplement the rather broadly written law.

Having described the child advocacy system in Denmark and how it functions, it is important for the authors to review what, from personal observation of this system, are some of the underlying premises which are essential to the effectiveness of such a system.

First, the advocate, to be an advocate in any true sense, must have authority and power. In Denmark this power takes several forms: fiscal control, political power, and decision-making authority with regard to children. The authors, for example, are personally familiar with a recent State law in California establishing a local advocacy system for mentally retarded children which had none of these powers. Neither the law nor the State administration provided any funds for staff and only allowed the advocates to survey needs and suggest programs but gave them no opportunity to control the funding of such programs. As a consequence this law produced ineffectiveness and widespread frustration on the part of the advocates.

Next, the Danish system establishes the child advocate as a local "clearing house" for all child care in that community. Thus that overused and seldom appropriate word "co-ordination" takes on real meaning. The Child and Youth Committee is responsible for overseeing health programs, early education programs (to seven years of age) and social programs for all the children in their community and they can ensure not only adequate programs in all three areas but also work effectively for the proper co-ordination and balance in them.

Denmark is not the homogenous nation as it is so frequently described. The differences between highly urbanized, cosmopolitan Copenhagen and such rural areas as West Jutland approximate those

between New York City and such rural areas as Arkansas or Kansas and, in the field of child advocacy, they have over 70 years experience with the proper balance between the central government and the local government. What has evolved is a system of central planning, standard-setting and consultative services (freely offered to the local advocate on request) and nearly complete local autonomy in carrying out the program. Except for approving new facilities and investigating complaints, the central government has no power to interfere with local advocacy or, if you will, the advocate advocates for his own children. In practice, however, the local advocates frequently consult with the central government on questionable cases and issues and a productive balance is achieved between local "wisdom" and central "expertise".

This balance between wisdom and expertise is equally important in another sense. When asked why such enormous responsibility for children is placed on the shoulders of local "lay" citizens, one of the top "experts" at the central level replied: "Because they do not know the right answer". This expert said that the Danes have too often experienced experts who knew all the answers, while intelligent, caring lay people insist on asking many, many questions and are eager to consider every possibility before making a decision. Even with its million people, Copenhagen has devised a system to ensure local lay representation on the Child and Youth Committee, and it is interesting in this regard that a Copenhagen Child and Youth Committee staff person told us that when parents attend a Child and Youth Committee meeting, they are delighted and relieved to see this person whom they have talked with in their own home and whom they see as a friend-in-court.

Two attitudes about children underly many aspects of this advocacy system. The first attitude is that the child is innocent, good, and born with a clean slate. Thus if a child misbehaves, makes a mistake, the reaction is not one of blame, but rather of looking for causes in the child's life which can be remedied. The second attitude is that the child is an individual with his own inalienable

rights which no one, not even his parents, can deny. Over one hundred years ago, education became one of these rights, and over seventy-five years ago complete medical care became one of these rights (more recently complete dental care also), and for decades a good environment has also been one of these rights.

Fundamental to this advocacy system is an attitude concerning society and the child. Simply stated: the child is everyone's responsibility. Throughout the law, in regulations and discussions one always finds the word "duty" over and over again. It is not beyond one's duty to rock the buggy if baby is crying outside the store and mother is inside; it is within a passing stranger's concern to correct a child on the street who is making a mistake. It is the duty of any citizen with a particular interest in children to volunteer for service on a Child and Youth Committee (and they fight for the opportunity). The visitor to Denmark soon gets accustomed to seeing this sense of duty expressed in everyday life. But the visitor soon discovers that a great deal is lost in translation with this word "duty" as it becomes apparent that it encompasses this society's responsibility for, protection of, and, last but not least, commitment to it's children.

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